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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In Re Application of:  
Brian R. Murphy et al.

APR 08 2002

Serial No.: 09/458,813

Group Art Unit: 1648

TECH CENTER 1600/2900

Filing Date: December 10, 1999

Examiner: S. Brown

For: USE OF RECOMBINANT LIVE-ATTENUATED PARAINFLUENZA VIRUS  
(PIV) AS A VECTOR TO PROTECT AGAINST CAUSED BY PIV AND  
RESPIRATORY SYNCYTIAL VIRUS (RSV)

DATE OF DEPOSIT: January 31, 2002

I HEREBY CERTIFY THAT THIS PAPER IS BEING  
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE  
AS FIRST CLASS MAIL, POSTAGE PREPAID ON THE DATE  
INDICATED ABOVE AND IS ADDRESSED TO THE  
ASSISTANT COMMISSIONER FOR PATENTS,  
WASHINGTON, DC 20231.

TYPED NAME: Jeffrey J. King  
REGISTRATION NO.: 38,515

Box  FEE  
 AF

Assistant Commissioner for Patents  
Washington DC 20231

Sir:

**AMENDMENT TRANSMITTAL LETTER**

Transmitted herewith for filing in the above-identified patent application is:

- A Preliminary Amendment.
- An Amendment Responsive to the Office Action Dated July 31, 2001.
- An Amendment Supplemental to the Paper filed \_\_\_\_\_.
- Other: \_\_\_\_\_.

Sum

- Applicant(s) has previously claimed small entity status under 37 CFR §1.27.
- Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR §1.27 as:
  - an Independent Inventor
  - a Small Business Concern
  - a Nonprofit Organization
- This application is no longer entitled to small entity status. It is requested that this be noted in the files of the Patent and Trademark Office.
- Substitute Pages \_\_\_\_\_ of the Specification are enclosed.
- An Abstract is enclosed.
- \_\_\_\_\_ Sheets of Proposed Corrected Drawings are enclosed.
- A Certified Copy of each of the following applications: is enclosed.
- An Associate Power of Attorney is enclosed.
- Information Disclosure Statement.
  - Attached Form 1449.
  - A copy of each reference as listed on the attached Form PTO-1449 is enclosed herewith.
- Appended Material as follows: \_\_\_\_\_.
- Other Material as follows: \_\_\_\_\_.

## FEE CALCULATION

No Additional Fee is Due.

			SMALL ENTITY		NOT SMALL ENTITY		
	REMAINING AFTER AMENDMENT	HIGHEST PAID FOR	EXTRA	RATE	Fee	RATE	Fee
TOTAL CLAIMS	40	52 (20 MINIMUM)	0	\$9 EACH	\$	\$18 EACH	\$ 0
INDEP. CLAIMS	2	4 (3 MINIMUM)	0	\$40 EACH	\$	\$80 EACH	\$ 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT				\$135	\$	\$270	\$
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME				\$55	\$	\$110	\$
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME				\$195	\$	\$390	\$
<input checked="" type="checkbox"/> THREE MONTH EXTENSION OF TIME				\$445	\$	\$890	\$890
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME				\$695	\$	\$1390	\$
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME				\$945	\$	\$1890	\$
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID			minus	(\$ )	minus	(\$ )	
<input type="checkbox"/> TERMINAL DISCLAIMER				\$55	\$	\$110	\$
<input type="checkbox"/> OTHER FEE OR SURCHARGE AS FOLLOWS:							
TOTAL FEE DUE							\$890

- Petition is hereby made under 37 C.F.R. 1.136(a) to extend the time for response to the Office Action of **July 31, 2001** to and through **January 31, 2002** comprising an extension of the shortened statutory period of **three (3)** month(s).
- The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to deposit account 23-3050. This sheet is provided in duplicate.

The Commissioner is authorized to charge payment of the following fees and to refund any overpayment associated with this communication or during the pendency of this application to deposit account 23-3050. This sheet is provided in duplicate.

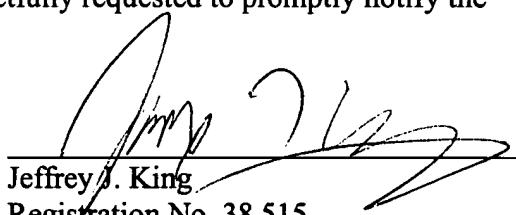
The Forgoing Amount Due for Filing this Paper.

Any additional filing fees required, including fees for the presentation of extra claims under 37 C.F.R. 1.16.

Any additional patent application processing fees under 37 C.F.R. 1.17 or 1.20(d).

**SHOULD ANY DEFICIENCIES APPEAR** with respect to this application, including deficiencies in payment of fees, missing parts of the application or otherwise, the United States Patent and Trademark Office is respectfully requested to promptly notify the undersigned.

Date: January 31, 2002



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